

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOHN F. WESTON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,

Defendant.

) Case No.: 1:20-cv-0326 JLT GSA (PC)

) ORDER ADOPTING FINDINGS AND  
) RECOMMENDATIONS IN FULL, GRANTING  
) THE MOTION FOR JUDGMENT ON THE  
) PLEADINGS, AND DISMISSING THE ACTION  
) WITH PREJUDICE  
) (Docs. 23, 30)

) ORDER DIRECTING THE CLERK OF COURT TO  
) ENTER JUDGMENT IN FAVOR OF  
) DEFENDANT AND TO CLOSE THE CASE

John F. Weston is a former state prisoner, proceeding *pro se* and *in forma pauperis* with this action pursuant to Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132 (1994). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The CDCR filed a motion for judgment on the pleadings pursuant to Rule 12(c), arguing the case should be dismissed based upon a prior settlement agreement, and the claims asserted are barred under the doctrine of claim preclusion. (Doc. 23.) The assigned magistrate judge determined the settlement agreement executed by Plaintiff in Case No. 1:19-cv-0131 “encompasses the current case’s ADA claim,” and “Plaintiff waived his claims against defendant CDCR in the settlement agreement.” (Doc. 30 at 19.) As a result, the magistrate judge found the CDCR was “entitled to judgment as a

1 matter of law.” (*Id.*) The magistrate judge recommended the motion be granted and the case be  
2 dismissed with prejudice on October 24, 2022. (*Id.* at 19-20)

3 The Findings and Recommendations were served on all parties, who were granted 14 days  
4 from the date of service to file any written objections. (Doc. 30 at 20.) In addition, the parties were  
5 informed the “failure to file objections within the specified time may waive the right to appeal the  
6 District Court’s order.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014);  
7 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, no objections have been filed and  
8 the deadline to do so has expired.

9 According to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court conducted a *de novo*  
10 review of this case. Having carefully reviewed the entire matter, the Court concludes the Findings and  
11 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 12 1. The Findings and Recommendations issued on October 24, 2022 (Doc. 30) are  
13 **ADOPTED** in full.
- 14 2. Defendant’s motion for judgment on the pleadings (Doc 23) is **GRANTED**.
- 15 3. This case is **DISMISSED with prejudice**.
- 16 4. The Clerk of Court is directed to enter judgment for Defendant and to close this case.

17  
18 IT IS SO ORDERED.

19 Dated: **November 21, 2022**

  
UNITED STATES DISTRICT JUDGE